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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMONS FOR JUDGEMENT NO. 1190 OF 2003
IN
SUM. SUIT NO. 2959 OF 2003

Dr. Prakash Khubchandani .. Plaintiff

VS.

Harshawardhan Leasing Ltd., .. Defendant .

Mr. D.D. Madon i/by Kanga & Co.

for the plaintiff.

Mr. S.P. Katra a/w R.K. Ghosh for defendant.

CORAM : S.U.KAMDAR, J.

DATE : 24th August, 2005.

P.C.

. The present suit is based on deposit amount paid under a leave and licence agreement along with the interest accrued thereon. Admittedly, the plaintiff has not handed back the said property which is taken on leave and licence basis. In view thereof, the suit is not maintainable as a summary suit for recovery of the aforesaid amount. Unconditional leave to defend. Summons for judgment disposed of accordingly.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes. .